

Introduced May 2, 2011  
Public Hearing May 16, 2011  
Council Action May 25, 2011  
Executive Action May 25, 2011  
Effective Date July 1, 2011

## County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 5

Bill No. 22 -2011

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the basis for the in-aid-of-construction charge to allow the charge to be based on the maximum flow rate for continuous operation as determined by a meter provided by the Department of Public Works, allowing certain reviews, providing for certain additional fees based on additional usage, allowing the possible suspension of certain service for failure to pay the in-aid-of-construction fee; and generally relating to the in-aid-of-construction fee.

Introduced and read first time May 2, 2011. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on May 16, 2011.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

This Bill was read the third time on May 25, 2011 and Passed ☒, Passed with amendments ☐, Failed ☐.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 26<sup>th</sup> day of May, 2011 at 11:00 a.m./p.m.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive May 26, 2011

Ken Ulman  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 ***Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the***  
2 ***Howard County Code is amended as follows:***

3  
4 ***By amending:***

5 ***Title 20 – Taxes, charges, and fees***

6 ***Section 20.611 “In-aid-of-construction charge”***

7  
8 **Title 20. Taxes, charges, and fees.**

9 **Subtitle 6. Utility charges and assessments.**

10  
11 **Section 20.611. In-aid-of-construction charge.**

12 (1) ***Purpose.*** The in-aid-of-construction charge shall be a source of revenue designated to  
13 cover the partial cost to Howard County of construction or purchase of facilities in the  
14 water and sewer system which serve or will serve all properties connected to the system,  
15 including but not limited to sewerage treatment plants, disposal fields, lagoons, pumping  
16 stations, force mains and interceptor sewers, water storage facilities, water treatment  
17 facilities, water pumping stations and water transmission mains, whether or not such  
18 facilities are located within Howard County.

19 (2) ***Levying and Fixing in-Aid-of-Construction Charge:***

20 (a) At the time of submission of the annual budget and appropriation  
21 ordinance to the County Council, the County Executive shall recommend  
22 a water and a sewer in-aid-of-construction charge. [[The recommendation  
23 may be for a uniform assessment as to all properties or for a variable  
24 assessment as to each property based on intensity of use of the public  
25 water/sewerage system, using a basic measure of use to be known as a  
26 consumption unit.]]

27 (b) At the time of the adoption of the annual budget and appropriation  
28 ordinance, the County Council shall, by resolution, levy and fix a water  
29 and a sewer in-aid-of-construction charge for the upcoming fiscal year.

30 (c) The charge may be uniform for all properties in the metropolitan district or  
31 may be variable based on THE MAXIMUM HOURLY intensity or volume of

1 use OF THE PUBLIC WATER/SEWERAGE SYSTEM [[using a basic measure of  
2 use to be known as a consumption unit.]] ANTICIPATED FOR EACH  
3 PROPERTY BASED ON THE MAXIMUM FLOW RATE FOR CONTINUOUS  
4 OPERATION FOR THE SIZE OF A CUSTOMER METER INSTALLED BY THE  
5 DEPARTMENT OF PUBLIC WORKS. THE FOLLOWING RATINGS SHALL BE  
6 APPLIED TO THE METER:

- 7 (1) FOR DISPLACEMENT TYPE METERS, UP TO 2 INCH, AMERICAN  
8 WATER WORKS ASSOCIATION (AWWA) STANDARD SPECIFICATION  
9 C 700-09, "TABLE 1, RECOMMENDED MAXIMUM RATE FOR  
10 CONTINUOUS OPERATIONS", SHALL APPLY; AND  
11 (2) FOR COMPOUND TYPE METER SIZES 3 INCHES AND LARGER, AWWA  
12 STANDARD C702-10 "TABLE 1, CLASS 1, MAXIMUM FLOW RATE FOR  
13 CONTINUOUS DUTY", SHALL APPLY.

14 [[[c)]]] (D) The in-aid-of-construction charges adopted shall remain in effect until  
15 the effective date of any new in-aid-of-construction charges adopted by  
16 the County Council.

17 (3) *Payment:*

- 18 (a) *At time of permit.* All owners in the metropolitan district shall pay the  
19 water and the sewer in-aid-of-construction charge prior to being issued a  
20 permit from the Department of Inspections, Licenses and Permits. An in-  
21 aid-of-construction charge shall be imposed only once with respect to each  
22 property except where intensity of use or volume of consumption  
23 generated is increased as set forth in subsection (b) below. The Director of  
24 Public Works shall determine the charge for each property on the basis of  
25 one consumption unit or any multiple thereof depending upon intensity or  
26 volume of use OR THE FLOW CAPACITY OF EACH OF THE CUSTOMER  
27 METER(S) , EXCLUSIVE OF " FIRE PROTECTION ONLY", INSTALLED BY THE  
28 DEPARTMENT OF PUBLIC WORKS AS SET FORTH IN 20.611(2)(C). EACH  
29 WATER METER SUPPLIED TO A PROPERTY BY THE DEPARTMENT OF PUBLIC  
30 WORKS IS SUBJECT TO THE APPLICABLE IN-AID-OF-CONSTRUCTION CHARGE.

1        [[(b) *Increased volume or intensity of use; alterations, enlargements,*  
2        *renovations, or additions.* When an owner submits an application for a  
3        permit for an alteration, enlargement, renovation, or addition, the owner  
4        shall be charged an additional in-aid-of-construction charge for:

5            (i)     Any use that has occurred beyond the level previously authorized  
6            in prior applications; and

7            (ii)    Any increased usage that the alteration, enlargement, renovation,  
8            or addition may cause.]]

9        (B)     *REVIEW OF ACTUAL WATER USE PATTERNS; METER SIZE ADJUSTMENT; AND*  
10        *ADJUSTMENTS TO IN-AID-OF-CONSTRUCTION.* THE DEPARTMENT OF PUBLIC  
11        WORKS MAY REVIEW PATTERNS OF WATER USE TO DETERMINE WHETHER A  
12        METER IS OF APPROPRIATE TYPE AND CAPACITY. A REVIEW MAY INCLUDE  
13        TEMPORARY ON-SITE METERING STUDIES TO ASSESS SHORT-TERM PATTERNS  
14        OF USE WITHIN THE DAY. A REVIEW MAY ALSO BE CONDUCTED WHEN AN  
15        OWNER SUBMITS AN APPLICATION FOR A PERMIT FOR AN ALTERATION,  
16        ENLARGEMENT, RENOVATION, OR ADDITION. IF A REVIEW INDICATES THAT  
17        ACTUAL OR PROJECTED USE IS SIGNIFICANTLY GREATER THAN THAT WHICH  
18        WAS PREVIOUSLY USED FOR THE CALCULATION OF THE IN-AID-OF-  
19        CONSTRUCTION CHARGE, THE OWNER WILL BE CHARGED AN ADDITIONAL  
20        FEE BASED ON THE DIFFERENCE BETWEEN THE IN-AID-OF-CONSTRUCTION  
21        FEE ESTABLISHED FOR THE SIZE OF THE REPLACEMENT METER AND THE FEE  
22        ALREADY PAID BASED ON THE PREVIOUS METER SIZE.

23        (c)     If an owner fails to pay the in-aid-of-construction charge, the Department  
24        of Inspections, Licenses and Permits may withhold a permit including a  
25        permit for an alteration, enlargement, renovation, or addition. AN OWNER  
26        WHO FAILS TO PAY THE ASSESSED IN-AID-OF-CONSTRUCTION CHARGE IS  
27        ALSO SUBJECT TO POSSIBLE SUSPENSION OF WATER OR SEWER SERVICE.

28        (4) *Special Account; Use of Receipts.* The Director of Finance shall credit all receipts  
29        from in-aid-of-construction charges to a special account. The receipts shall be used only  
30        for payments for the development of facilities in the water and sewerage system as  
31        described in subsection (1) above, or to liquidate bonds issued by the County or by the

1 former Metropolitan Commission, for such development, to the end that the front-foot  
2 benefit assessment charges and ad valorem charges may be reduced.

3

4

5 *Section 2. And Be It Further Enacted by the County Council of Howard County,*  
6 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 26, 2011.

Stephen M. LeGendre  
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2011.

Stephen M. LeGendre, Administrator to the County Council